

#4 4D98  
PTO/SB/64 (11-03)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
**8244ML\$**First Named Inventor: **Gayle Marie Frankenbach****RECEIVED**Application No.: **09/805,099**Art Unit: **1714****MAY 17 2004**Filed: **March 13, 2001**Examiner: **not assigned****OFFICE OF PETITIONS**Title: **METHODS FOR IMPROVING THE PERFORMANCE OF FABRIC WRINKLE CONTROL COMPOSITIONS**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee  
 Large entity - fee \$1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of Oath and Declaration; Declaration of Facts (identify type of reply):  
 has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

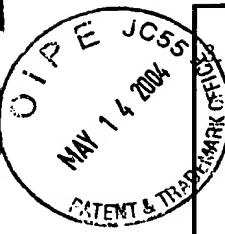
B. The issue fee of \$\_\_\_\_\_  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

05/17/2004 AWONDAF1 00000019 162480 09805099

01 FC:1453 1330.00 DA



## Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_ for a large entity disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and(D))].

5.  Authorization is given to charge Deposit Account No. 16-2480 for any fees required in connection with submission of this petition. A duplicate copy of this correspondence is enclosed to facilitate charging of the fees

May 10, 2004

Date

Signature

## Telephone

Number: (513) 627-8150

David V. Upite

Typed or printed name

CUSTOMER NO.: 27752Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Notice of Abandonment Under 37 CFR 1.53(f) or (g);Notice to File Missing Parts of Nonprovisional Application;Oath & Declaration;Declaration of Facts;Fee Transmittal

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

May 10, 2004

Date

Signature

David V. Upite

Typed or printed name of person signing certificate



XX

Case 8244ML\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
Gayle Marie Frankenbach et al. : Conf. No.: 2087  
Serial No.: 09/805, 099 : Group Art Unit: 1714  
Filed: March 13, 2001 : Examiner: not assigned  
For: Methods for Improving the :  
Performance of Fabric Wrinkle :  
Control Compositions :

**DECLARATION OF FACTS IN SUPPORT OF**  
**FILING ON BEHALF OF OMITTED INVENTORS (37 CFR 1.47)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This declaration is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the omitted inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

**This declaration is being made by the available person having first-hand knowledge of the facts recited therein.**

06/29/2004 AKELLEY 00000009 162480 09805099

02 FC:1051 130.00 DA

Application Serial No. 09/805,099 was filed on March 13, 2001 by The Procter & Gamble Company. It was determined that Carlos H. Behrens, an employee of the Company at the time, was an inventor in this application. Carlos H. Behrens, evidently, ended his employment with Procter & Gamble at some date between March 12, 2002 and the present, the exact date of his departure being unknown to Declarant. Upon last contact with Mr. Behrens, he was working at the Procter & Gamble facility in Caracas, Venezuela and residing in the same locale.

06/29/2004 AKELLEY 00000009 162480 09805099

01 FC:1460 130.00 DA

### DETAILS OF EFFORTS TO REACH OMITTED INVENTOR

The most recently dated verification of Carlos H. Behrens' employment with The Procter & Gamble Company is a copy of an email authored by Mr. Behrens on March 12, 2002, a copy of which is attached as Exhibit 1. On or about December, 2003 Declarant searched two internal Procter & Gamble (P&G) databases in an attempt to locate Mr. Behrens within P&G, and found his name absent from those databases, indicating Mr. Behrens' employment with P&G had terminated. Declarant then sent to Carlos H. Behrens, via DHL shipment 8800444284, to his last known residential address of, Urb. Avila Cormot, Res, La Montana Apt PB-1D, Alta Florida, Caracas 1050, Venezuela, a declaration of inventor in the above captioned application, along with a letter requesting his signature thereon and return of the document. Pre-paid return shipping materials were also provided to Mr. Behrens. Records of DHL shipment 8800444284 verify the shipment was delivered to the said address on January 9, 2004 at 11:08 a.m., and signed for by Argenis Deli. A copy of the letter sent to Mr. Behrens is attached as Exhibit 2, and a copy of the DHL delivery verification is attached as Exhibit 3.

To the date of execution of this declaration no documents have been received from Mr. Behrens nor has there been any contact from him.

It is submitted that a diligent effort has been made to reach Carlos H. Behrens, and that he has either not received or ignored such contact. Therefore it is impossible to obtain his cooperation in executing the declaration of inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Bridget M. Harris  
Bridget M. Harris  
Date: April 28, 2004

State of Ohio

)

) ss.

County of Hamilton

)

Sworn & subscribed to before me, a notary public, by the said Bridget M. Harris, who is personally known to me, this April 28, 2004.



Leslie S. Pang  
Notary Public

LESLIE S. PANG  
Notary Public, State of Ohio  
My Commission Expires Nov. 5, 2008

April 28, 2004

Customer No. 27752

*EXHIBIT 1*

**Carlos Behrens-CH**  
**Package & Device**  
**Development**  
**Tel +58 212 903 6645**  
**Starnet 554 6645**  
03/12/2002 10:10 AM

To: Leslie Pang-LS/PGI  
Cc:  
Subject: Re: Inventor Information



Leslie - sorry for the late response. I was out of the office, and I was not able to check my messages.

Information below in blue.

Kind regards,  
Carlos

From: Leslie Pang-LS on 03/07/2002 07:54 AM

From: **Leslie Pang-LS** on 03/07/2002 07:54 AM

**Leslie Pang-LS**  
**F&HC Patent**  
**(513) 627-8151**  
03/07/2002 07:54 AM

To: Kristin Vanscoy-KS/PGI@PGI, adinniwell@cinci.rr.com, Carlos Behrens-CH/PGI@PGI  
Cc:  
Subject: Inventor Information

Kristin, Alan and Carlos:

In order to prepare paperwork related to P&G Case 8244M entitled "Methods for Improving the Performance of Fabric Wrinkle Control Compositions", it will be necessary for me to have the following information. Please fill in the blanks and forward as soon as possible. Please feel free to contact me with any questions or comments. Thank you in advance for your prompt response.

Leslie Pang  
A&T to Frank C. Turner

#### INFORMATION NEEDED

Full name (First, Middle and Last): Carlos Henrique Behrens

Home address: Urb. Avila, Av. Coromoto, Res. La Montaña Apto. PB-1D. Alta Florida. Caracas 1050, Venezuela

County in which you reside (i.e., Butler, Kenton, etc.): Caracas (?)

Citizenship: Venezuelan

Job Description (i.e., Chemist, Mechanical Engineer, etc.): Industrial Engineer

URB. AVILA COROMOTO, RES.  
LA MONTANIA APTO PB-1D  
ALTA FLORIDA. CARACAS 1050

## ORDER FOR SHIPMENT

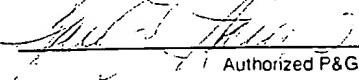
OFS No.

1 Preparer of Shipment - PRINT Bridget Harris	2 P&G Contact (May Be Same As Preparer) - PRINT Same
3 Cost Center No. - REQUIRED <b>5 0 0 0 1 0 4 2 7 0</b>	4 P&G Phone Number 513/627-2996
	5 Today's Date 1/5/2004

<b>6 SERVICE LEVEL (Must Check One)</b>	
<b>Domestic business day services</b> Check Saturday below if required	<b>International</b>
<b>Note:</b> Not all services to all zip codes	
<input type="checkbox"/> GROUND – least expensive <input checked="" type="checkbox"/> Air (Quickest Route) <input type="checkbox"/> Second Business Day by 5:00 pm <input type="checkbox"/> Ocean <input type="checkbox"/> Next Business Day by 3:00 pm <input type="checkbox"/> Ground  <input type="checkbox"/> Next Business Day by noon <input type="checkbox"/> Next Business Day by 10:30 am <b>NOTE:</b> Surcharge applied <input type="checkbox"/> Saturday Delivery <input type="checkbox"/> Local Courier <input type="checkbox"/> Other: (Specify)	
<b>7 For Return Items, Note Return Authorization N</b>  <b>8</b> <input type="checkbox"/> Collect Shipment (May Need Carrier & Carrier: _____ Acct No: _____)  <b>9 PLEASE CHECK ONE BOX BELOW</b> <i>For Domestic Shipments Only.</i> <input type="checkbox"/> No Recipient Signature Required <input type="checkbox"/> Recipient Signature Required	
<b>EXHIBIT 2</b>	

10 SOLD TO	11 SHIP TO (PO Box Address Not Accepted)  Carlos H. Behrens Urb. Avila Coromot, Res. La Montana Apto PB-1D Alta Florida Caracas, Venezuela 1050
Phone Number:  (REQUIRED)	Recipients Phone Number: <u>unavailable</u>  (REQUIRED)

12 Gross Weight:	Carrier (For Office Use Only)	Date Shipped
13 Outer Packaging (i.e. 1 env, 2 boxes)  1 envelope	14 Detailed Description of Contents  (i.e. 1 Litre Ethylene Glycol; 64 oz. Liquid Tide; 4 Video Tapes; 1 Binder with Documents)  PLEASE NOTE: For international shipments you must provide quantity and customs value per item. i.e. 12 – 4.6 ounce tubes of toothpaste @ \$1 per tube, 12 recordable CD's @ \$2 per CD  Legal documents	15 Market Value of Goods for International Customs Purposes Only  -0-

I hereby declare that the contents of this shipment  
is fully and accurately described above16  Non-Hazardous  HazardousMSDS Required for chemicals and finished product per OSHA  
Hazardous Communication Standard17  Authorized P&G Signature

## ORDER FOR SHIPMENT

OFS No.

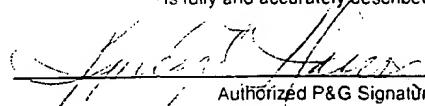
1 Preparer of Shipment - PRINT Bridget Harris	2 P&G Contact (May Be Same As Preparer) - PRINT Same
3 Cost Center No. - REQUIRED <b>5 0 0 0 1 0 4 2 7 0</b>	4 P&G Phone Number 513/627-2996
	5 Today's Date 1/7/2004

6 ♦ SERVICE LEVEL (Must Check One)  <u>Domestic business day services</u> <u>Check Saturday below if required</u> <u>International</u> <u>Note:</u> Not all services to all zip codes <input type="checkbox"/> GROUND – least expensive <input checked="" type="checkbox"/> Air (Quickest Route) <input type="checkbox"/> Second Business Day by 5:00 pm <input type="checkbox"/> Ocean <input type="checkbox"/> Next Business Day by 3:00 pm <input type="checkbox"/> Ground <input type="checkbox"/> Next Business Day by noon <input type="checkbox"/> Next Business Day by 10:30 am <small>NOTE: Surcharge applied</small> <input type="checkbox"/> Saturday Delivery <input type="checkbox"/> Local Courier <input type="checkbox"/> Other: (Specify)	7 For Return Items, Note Return Authorization Number if Required by Vendor  <input type="checkbox"/> Collect Shipment (May Need Carrier & Acct. No.) Carrier: _____ Acct No: _____  9 PLEASE CHECK ONE BOX BELOW <i>For Domestic Shipments Only.</i> <input type="checkbox"/> No Recipient Signature Required <input type="checkbox"/> Recipient Signature Required
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10 SOLD TO	11 SHIP TO (PO Box Address Not Accepted)  Bridget M. Harris The Procter & Gamble Company Miami Valley Laboratories 11810 East Miami River Road, 2J28, Box 788 Cincinnati, OH 45253
Phone Number:  (REQUIRED) _____	Recipients Phone Number: <b>513/627-2996</b>  (REQUIRED) _____

12 Gross Weight:	Carrier (For Office Use Only)	Date Shipped
13 Outer Packaging (i.e. 1 env, 2 boxes)  1 envelope	14 Detailed Description of Contents  (i.e. 1 Litre Ethylene Glycol; 64 oz. Liquid Tide; 4 Video Tapes; 1 Binder with Documents)  PLEASE NOTE: For international shipments you must provide quantity and customs value per item i.e. 12 – 4.6 ounce tubes of toothpaste @ \$1 per tube, 12 recordable CD's @ \$2 per CD  Legal documents	15 Market Value of Goods for International Customs Purposes Only  -0-

I hereby declare that the contents of this shipment  
is fully and accurately described above

16 <input type="checkbox"/> Non-Hazardous <input type="checkbox"/> Hazardous	17  Authorized P&G Signature
--	---

MSDS Required for chemicals and finished product per OSHA  
Hazardous Communication Standard

P&G

The Procter & Gamble Company  
Patent Division  
Miami Valley Laboratories  
P. O. Box 538707  
Cincinnati, OH 45253-8707  
[www.pg.com](http://www.pg.com)

January 7, 2004

*via DHL*

Carlos H. Behrens  
Urb. Avila Coromot, Res.  
La Montana, Apto, PB-1D  
Alta Florida  
Caracas, Venezuela  
1050

Re: Enclosed documents for signature  
Procter & Gamble patent application:  
"Methods for Improving the Performance of Fabric Wrinkle  
Control Compositions"

Dear Mr. Behrens:

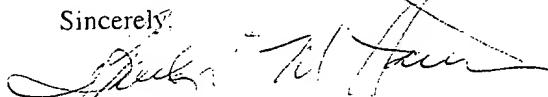
While employed by The Procter & Gamble Company, you were a co-inventor in the above referenced patent application. As such your signature is needed on certain documents. In early 2002, Leslie S. Pang, Administrator, F&HC IP Division, was in contact with you for this purpose. For one reason or another, the documents were never fully executed. I am contacting you herein for that purpose.

Enclosed are the documents upon which your signature is needed along with a cover sheet detailing instructions for execution.

Also enclosed are pre-paid courier materials for your use in return of the executed documents. Should you incur any expense in obtaining notarization of your signature or any other details relating to execution please provide the receipt/bill for such so that I can see that you are reimbursed.

Please feel free to contact me by telephone or email with any questions. I wish to thank you in advance for your prompt attention to this matter.

Sincerely,

  
Bridget M. Harris, RP  
Paralegal/Patent Administrator  
The Procter & Gamble Company  
Miami Valley Laboratories  
513/627-2996  
[harris.bm@pg.com](mailto:harris.bm@pg.com)

**THE PROCTER & GAMBLE COMPANY  
IP DIVISION**

To: Carlos Behrens

From: Bridget Harris

Date: 1/7/2004

**Request for Signatures**

Case No. **8244MR, 8244M, 8244P**

Title **Methods for Improving the Performance of Fabric Wrinkle Control Compositions**

As (a) named inventor(s) on the above case, your signature is required on the attached documents. Please sign your **full name(s)** as it appears on the document(s), date and return the documents as soon as possible.

**1) \_\_\_\_\_ Global General Assignment, case 8244MR, 8244M & 8244P (in duplicate)**

Please sign and date where flagged.

Your signature needs to be witnessed. Have the witness sign on the line marked "witness" under your signature and fill-in the date they witnessed your signature.

**2) \_\_\_\_\_ Declaration combined with Power of Attorney, case 8244MR & 8244M (in duplicate)**

Please sign and date where flagged. Please note that by signing this Declaration, you are swearing that you have reviewed and understand the contents of the application and are aware of your duty to disclose any information which is material to patentability. This form does not require witnessing or notarization.

Please return the completed forms to the person named below.

Thank you very much.

Name Bridget Harris  
Location Miami Valley Laboratories

Request for signature.doc  
(4/9/2003)

EXHIBIT 3

**These are the results of your query**

Waybill Number	Origin Service Area	Destination Service Area	Status
----------------	---------------------	--------------------------	--------

► 8800444284 ► Dayton, OH - USA ► - Signed for by: ARGENIS DELI  
Shipment delivered: January 09, 2004 11:08 ✓

**8800444284 - Detailed Report**

Date	Time	Location Service Area	Checkpoint Details
------	------	-----------------------	--------------------

January 07, 2004	15:50	Dayton, OH - USA	Shipment picked up
January 07, 2004	20:29	Cincinnati, OH - USA	Departing origin
January 07, 2004	21:58	Cincinnati, OH - USA	Departed from Cincinnati, OH - USA
January 08, 2004	01:34	Cincinnati, OH - USA	Arrived at DHL Hub Cincinnati, OH - USA
January 08, 2004	05:18	Cincinnati, OH - USA	Departed from DHL Hub Cincinnati, OH - USA
January 08, 2004	06:34	Miami, FL - USA	Arrived at DHL Gateway Miami, FL - USA
January 08, 2004	12:45	Miami, FL - USA	Departed from DHL Gateway Miami, FL - USA
January 08, 2004	19:22	Caracas - Venezuela	Arrived at DHL facility
January 08, 2004	19:25	Caracas - Venezuela	Scheduled for delivery
January 09, 2004	08:01	Caracas - Venezuela	With delivery courier
January 09, 2004	11:08	Caracas - Venezuela	Shipment delivered

For further inquiries please call 1-800-225-5345, prompt 3.

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# Shipment Receipt

**Shipment From**

PROCTER & GAMBLE COMPANY MVL  
Kenneth Griffith  
11810 E. Miami River Rd.  
Ross, OH 45061  
United States Of America  
(513) 627-2003

**Shipment To**

URB. AVILA COROMOT, RES  
CARLOS H. BEGRENDS  
LA MONTANA APTO PB-1D  
ALTA FLORIDA  
CARACAS 1050  
Venezuela

**Shipment Details**

Date of Shipment	01/07/2004
Waybill Number	8800444284
Service Type	Document
Packaging Type	Other DHL
Number of Pieces	Packaging
Total Weight	1
Dimensional Weight	3 lbs
Chargeable Weight	0 lbs
Value Protection	3 lbs
Estimated Charge	\$0.00
	\$25.84

**International Information**

Declared Value	\$0.00
Duties and Taxes	Recipient
Delivery Duty Paid?	No

**Billing Information**

Payment Type  
Billed Account  
Expiration Date  
Shipper  
803456529

**Special Services**

Saturday Delivery  
Signature POD  
No  
No

**Reference Information**

Reference MV0048/5000104270/B.HARRIS

**Description of Contents**

DOCUMENTS

1/9/04  
11.08 Am Argenis Deli

\*All charges shown are an estimate only, subject to change without notice.

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To print a copy of the Shipment Receipt, use the Print button of your browser.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/805,099	03/13/2001	Gayle Marie Frankenbach	8244

**CONFIRMATION NO. 2087**

**ABANDONMENT/TERMINATION  
LETTER**



\*OC000000011111608\*

**RECEIVED**

**MAY 17 2004**

**OFFICE OF PETITIONS**

Date Mailed: 10/28/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/14/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE